

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 25, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Suzukawa, J. (Assigned) and S. Beaux and P. Gonzalez, Deputy Clerks.

Each of the following:

B168977 People v. Young
B169745 People v. Cabrera
B170230 People v. Guerrero
B171955 People v. Victor & Ayala
B172149 People v. Bauwin
B172331 People v. Sims
B172427 People v. Juan S.
B172783 People v. Jimenez
B172895 People v. Novoa
B172942 People v. Villegas
B173045 People v. Price
B173587 People v. Woolen
B174651 People v. Garcia
B175764 DCFS v. Rocio T.
B176167 People v. Dante H.
B176521 DCFS v. Maria R.
B177285 People v. Bell
B179112 Andake B. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B173806 Malkhoo
 v.
 City of Long Beach

Merits:
Argued by Hugo W. Anderson, Jr. for appellant and by Barry M. Meyers
for appellant. Cause submitted.

Suzukawa, J. (Assigned) leaves the bench.

B173313 Archuleta
 v.
 American Airlines, Inc. et al.

Merits:
Argued by Gary R. Siniscalco for appellants and by Maurice Chenier and
Ronald N. Wilson for respondent. Cause submitted.

Suzukawa, J. (Assigned) returns from the bench.

Mallano, J. leaves the bench.

B175246 People
 v.
 Washington

Merits:
Argued by Richard Fitzer for appellant and respondent waived oral
argument. Cause submitted.

Mallano, J. returns to the bench.

DIVISION ONE (Continued)

B173852 Berger
 v.
 Khan
 Law Office of Gene W. Choe

Merits:
Argued by Stephen H. Krumm for respondent and no appearance by
appellant. Cause submitted.

Mallano, J. leaves the bench.

B165018 Moore
 v.
 Kaufman
 Diaz

Merits:
Argued by Andrew E. Rubin for appellant and by Andrew J. Waxler for
respondent. Cause submitted.

Mallano, J. returns to the bench.

B171623 People
 v.
 Saravia

Merits:
Argued by Laura Schaefer for appellant and by David Wildman, Deputy
Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B169179 Fraiser, Jr.
 v.
 Hanson

Merits:

Argued by Curtis Cole for appellant, by S. Thomas Todd for amicus California Medical Association and by Wendy C. Lascher for respondent. Cause submitted.

Vogel, J. leaves the bench.

B159728 NEI Direct, Inc.
 v.
 First USA Bank et al.

Merits:

Argued by Lee Papageorge for appellant First USA Bank and by Scott E. Shapiro for appellant NEI Direct, Inc. Cause submitted.

B163707 Sargon Enterprises, Inc.
 v.
 University of Southern California et al.

Merits:

Argued by Jens B. Koepke and Jay S. Bloom for appellant and by James C. Martin and Denise M. Howell for respondents. Cause submitted.

Vogel, J. returns to the bench.

Suzukawa, J. (Assigned) leaves the bench.

DIVISION ONE (Continued)

B170447 Shiell et al.
v.
The County of Los Angeles et al.

Merits:

Argued by David F. Stobaugh and David R. Markham for respondents / cross-appellant Shiell, et al.; by Elwood Lui for appellant / cross-respondent County of Los Angeles; by Steven J. Kaplan appellant in propria person; by David F. Stobaugh for appellant Bendich Stobaugh, etc.; by Deborah H. Petito for appellant / cross-respondent Auxiliary Legal and by Michael J. Glenn for appellant Marie Flanagan. Cause submitted.

Court adjourned.

DIVISION TWO

B174576 Kocar, et al. (Not for Publication)
v.
Sigal

The order denying appellant's motion to strike under section 425.16 is affirmed. Respondents shall recover their costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B171384 Andrade, et al. (Not for Publication)
v.
Texaco, Inc., et al.

The order denying the motion to vacate the dismissal is reversed. Appellants to recover their costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B174633 People (Not for Publication)
v.
Medina

The judgment is modified to strike the 10-year criminal street gang enhancement pursuant to section 186.22 and to provide for a minimum parole eligibility period of 15 years on the murder count. The judgment is further modified to reflect an award of 583 days of actual presentence custody credit. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B173888 People (Not for Publication)
v.
Daniel F.

The order under review is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Ashmann-Gerst, J.

[illegible]

The Court:

The judgment is affirmed.

Nott, Acting P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION TWO (Continued)

B171653 Tinkerian
v.
Hartz International, Inc., et al.

Filed order denying petition for rehearing.

DIVISION THREE

B172093 People (Not for Publication)
v.
Shahidzadeh

The judgment is modified by vacating one of the multiple murder special circumstance findings, and by adding a \$10,000 parole revocation fine under section 1202.45. As modified, the judgment is affirmed. The abstract of judgment shall be amended to reflect these modifications, as well as to reflect an award of presentence custody credits in the amount of 558 days. The trial court is directed to prepare an amended abstract of judgment reflecting these changes and forward it to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B164989 Krausz Puente LLC (Not for Publication)
v.
Westall, et al.

The judgment is affirmed. Krausz shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FIVE

B173049 People (Not for Publication)
v.
Randal Ruiz

The judgment is affirmed.

Armstrong, J.

I concur: Turner, P.J.
I concur: Mosk, J. (opinion)

DIVISION SIX

B170754 People (Not for Publication)
v.
Theurer

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B173566 People (Not for Publication)
v.
Barrigan

The judgment ordering his commitment to DMH is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

January 25, 2005 (Continued)

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B175440 Domm-Ward (Not for Publication)
v.
Ward

The judgment is affirmed. Costs are awarded to respondent.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B171801 People (Not for Publication)
v.
Ford

The judgment is reversed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

We concur: Gilbert, P.J.
Perren, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SEVEN

B168871 Dickson (Not for Publication)
v.
Ticketmaster, Inc.

The judgment is reversed and remanded with instructions to the trial court to enter new and different orders denying Ticketmaster's motion for summary judgment and overruling its demurrer to the fourth (conversion) cause of action of Dickson's first amended complaint. The order sustaining the demurrer without leave to amend is affirmed as to the two causes of action for negligence. Each side is to bear its own costs of appeal.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B143430 Tutor-Saliba-Perini, J.V., et al. (Not for Publication)
v.
The Los Angeles County Metropolitan Transportation Authority

B158407 Tutor-Saliba-Perini, J.V., et al. (Not for Publication)
v.
The Los Angeles County Metropolitan Transportation Authority

The judgment is reversed, and the cause remanded to the trial court for further proceedings not inconsistent with this opinion. The sanctions imposed on Castle & Lax pursuant to Report 28 are affirmed; the sanctions imposed pursuant to Reports 32 and 37 are reversed. All parties are to bear their own costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Woods, J.

I concur: Perluss, P.J.
I dissent: Johnson, J. (Opinion)

DIVISION EIGHT

B171023 Jamerson (Not for Publication)
v.
Baca

The judgment is affirmed. Each party shall bear their own costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

[illegible]

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (Continued)

B166684 Krivitsky (Not for Publication)
v.
Umina Bros., Inc.

The judgment is affirmed. Respondent shall recover its costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B178449 Margaret S. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Dept. of Children and Family Services et al., r.p.i.)

The petition for writ of mandate is denied on the merits. This opinion is final as to this court forthwith. (Cal. Rules of Court, rule 24(b)(3).)

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B167652 The People (Not for Publication)
v.
Granite State Insurance Company

The order denying the motion to set aside the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

B168887 Regency Wines, Inc. (Not for Publication)
 v.
 Champagne Montaudon

The trial court's order finding France to be a better forum is affirmed. Each party to bear its own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B170396 Ballmer, et al. (Not for Publication)
 v.
 Franchise Tax Board, et al.

The order of dismissal is reversed, and the matter is remanded for further proceedings consistent with this opinion. Each party is to bear its own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

B173346 People (Not for Publication)
 v.
 Thurston

The judgment is reversed as to count 4 and remanded for further proceedings on that count and any revision of sentencing such a remand may entail. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

DIVISION EIGHT (Continued)

B168920 People (Not for Publication)
v.
Rivera, et al.

Appellants' convictions for carjacking are reversed. In all other respects, the judgment is affirmed. With respect to Hernandez, Rivera, and Garzon the clerk of the superior court is directed to prepare an amended abstract of judgment reflecting dismissal of the carjacking conviction, and reflecting 33, 33, and 34 days of presentence conduct credit respectively, and to forward a copy to the Department of Corrections. With respect to Recinos, the matter is remanded to the trial court for resentencing.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B176003 Los Angeles County, D.C.S. (Not for Publication)
v.
Josefina H.

The Court:

The appeal is therefore deemed abandoned and hereby dismissed.

Rubin, Acting P.J., Boland, J., Flier, J.